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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER
ISMAIL, SHAWKI SAIF

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/720,690
Filing Date: November 25, 2003
Appellant(s): TORIGOE ET AL.

Oki Electric Industry Co., Ltd.
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 20, 2007 appealing from the

Office action mailed August 4, 2006.**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Change-detection tool indicating degree and location of change of internet documents by comparison of cyclic-redundancy-check (CRC) signatures by Freivald et al., (hereinafter referred to as Freivald) U.S. Patent No. 5,898,836.

Method and arrangement for web information monitoring by Jellum et al.,

(hereinafter referred to as Jellum) U.S. Patent No. 6,915,482.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 2-5, 7-11, 13-16, and 18-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Freivald et al., (Freivald) U.S. Patent No. 5,898,836 in view of Jellum

et al., (Jellum) U.S. Patent No. 6,915,482.

As to claim 2, Freivald teaches an update notification device according to claim

7, wherein the updated data extracting means extracts the updated data from the

differential information piece (col. 1, lines 41-47, col. 2, lines 17-21, col. 7, lines 1-17).

As to claim 3, Freivald teaches an update notification device according to claim

7, wherein the updated data extracting means has means for converting the updated

data to a main passage when the size of the differential information piece is equal to or

more than a predetermined threshold value (col. 12, lines 48-56).

As to claim 4, Freivald teaches an 4. An update notification device according to claim 7, wherein the differential information piece pertains to a part of the web page data determined by a template held in advance in accordance with the web page, and the updated data extracting means extracts the updated data from the differential information piece (col. 1, lines 41-47, col. 2, lines 17-21, col. 7, lines 1-17).

As to claim 5, Freivald teaches an update notification device according to claim 4, wherein the updated data extracting means has means for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value (col. 12, lines 48-56).

As to claim 7, Freivald teaches an update notification device for repeatedly accessing at least one Web site identifiable with a preset address and outputting a notification message if any web page has been updated in the at least one web site, the device comprising:

updated data extracting means for extracting updated data from an updated Web page (col. 6, lines 20-31, the software tool retrieves files and compares the file to an archived checksum of the file to determine if a change has occurred);

notification-receiver's address holding means for holding the address of a user terminal for receiving a notification message with respect to each at least one web site with an updated web page (see Fig. 4, col. 6, lines 32-46),

updated data output means for adding to the notification message at least one of a header of the updated data, at least some of the updated data, and information about the address of the updated web page, the updated data output means sending the

notification message to the address of the user terminal (col. 6, lines 20-31, if a change

is detected then the user is notified and a copy of the new file may be attached).

Freivald does not explicitly indicate wherein the notification-receiver's address

holding means further has means for holding at least one keyword with respect to the

address of the user terminal, and wherein the updated data extracting means has

means for removing the differential information piece from the updated data when the

differential information piece does not include the held keyword, the differential

information piece representing differences between old and new web pages data.

Jellum teaches processing of structured data to detect a data change and to

generate a notification in relation to the detected change. Jellum further teaches that

the client is able to select a particular region of a web page for monitoring or input a

keyword associated with the web page. They can chose to be notified when the change

includes the keyword (refer to figs. 3 and 6 and col. 6, lines 45-50 and col. 9, lines 27-

37).

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to incorporate the teaching of Jellum into the system of Freivald in

order to receive precise notification of a changed document. Both Jellum and Freivald

are from the same field of endeavor, notification of a changed document on the Internet

and by being able to specify the type of change (by inputting a keyword) that a user

desires to be notified of would limit the amount notification a user receives and focus on

changes that are of importance to the user.

As to claim 8, Freivald teaches an update notification device according to claim 7, wherein the updated data extracting means has means for compiling a rank, which indicates a degree-of-attention of the web page, in accordance with the frequency of occurrence of updated data having a keyword corresponding to each user terminal (col. 12, lines 48-56).

As to claim 9, Freivald teaches an update notification device according to claim 7, wherein the updated data output means has means for creating the notification message in accordance with a predetermined template before the output of the notification message (col. 12, lines 33-41).

As to claim 10, Freivald teaches an update notification device according to claim 7, wherein the updated data output means has means for creating the title of the notification message from the updated data (col. 12, lines 33-41).

As to claim 11, Freivald teaches an update notification device according to claim 10, wherein the updated data output means has means for giving, to the title of the notification message, a notification message issue number incremented for each notification message issued with respect to a particular web site or for each user terminal to which the notification message is sent (col. 12, lines 33-41).

Claims 13-16 and 18-23 do not teach or define any new limitation above the claims rejected above; therefore, they are rejected under the same rationale.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses

replies individually.

As per appellants arguments filed on 30 July 2007, the appellant argues:

Argument (A): Jellum would not have led an ordinarily skilled person to modify Freivald

so as to achieve the invention defined by independent claim 7, 18, and 23.

In response to appellants argument that there is no suggestion to combine

Jellum and Freivald, the examiner recognizes that obviousness can only be established

by combining or modifying the teachings of the prior art to produce the claimed

invention where there is some teaching, suggestion, or motivation to do so found either

in the references themselves or in the knowledge generally available to one of ordinary

skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In

re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case person of ordinary skill in the art would incorporate the disclosure of

Jellum into that of Freivald to perform a precise notification of a changed document.

Both Jellum and Freivald are from the same field of endeavor, notification of a changed

document on the Internet and by being able to specify the type of change (by inputting a

keyword) that a user desires to be notified of would limit the amount notification a user

receives and focus on changes that are of importance to the user. Furthermore, by

utilizing Jellum's technique for detecting changes by monitoring keywords, one can

easily notice a change has occurred. Freivald's method can subsequently be used to

verify the change via a difference in checksums. Thus, by combining the two

disclosures, it becomes easy and more precise for one to check to see whether a keyword is present or not in the segment and then verifies the result by comparing the checksums.

Also note that the Supreme Court has held that "a patent for a combination which only unites old elements with no change in their respective functions...obviously withdraws what is already known into the field of its monopoly and diminishes resources available to skillful men...The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex Inc.*, 2007 U.S. LEXIS 4745, (U.S. 2007)

"Common sense teaches, however, that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle...the fact that a combination was obvious to try might show that it was obvious under section 103." *KSR Int'l Co. v. Teleflex Inc.*, 2007 U.S. LEXIS 4745, (U.S. 2007)

When a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious. *Sakraida v. AG Pro, Inc.*, 425 U.S. 273 (1976).

Argument (B) Freivald does not teaches wherein the updated data extracting means has means for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.

In response: Frievald teaches that the change-detection software can also have a minimum threshold of changes to generate a report. The user can set preferences so that changes affecting less than 10% of the document are not reported at all. Thus minor changes can be filtered out. When a user registers many web-page documents, a combined report could be generated which ranks the changed pages based on the percentage of sections with mismatching CRC's. Users do not have to select text in the document for this feature to be useful. Freivald further teaches that the change-detection tool can determine not just that a change has occurred in a document but also that the structure of the changes to a document can be determined by localizing which parts of the document have been changed. These changed portions can be highlighted in the document and attached to the e-mailed change notice. Therefore, Frievald's change-detection tool meets the scope of the claimed limitation (col. 12, lines 23-67).

Argument (C) Freivald does not teach wherein the updated data extracting means has means for compiling a rank, which indicates a degree-of-attention of the web page, in accordance with the frequency of occurrence of updated data having a keyword corresponding to each user terminal.

In response: Freivald teaches that the change-detection software can also have a minimum threshold of changes to generate a report. The user can set preferences so that changes affecting less than 10% of the document are not reported at all. Thus minor changes can be filtered out. When a user registers many web-page documents, a combined report could be generated which ranks the changed pages based on the percentage of sections with mismatching CRC's. Users do not have to select text in the

document for this feature to be useful. Freivald further teaches that the change-detection tool can determine not just that a change has occurred in a document but also that the structure of the changes to a document can be determined by localizing which parts of the document have been changed. These changed portions can be highlighted in the document and attached to the e-mailed change notice along with an indication of a degree of changes in the document. Therefore, Freivald meets the scope of the claimed limitation (col. 12, lines 23-67).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
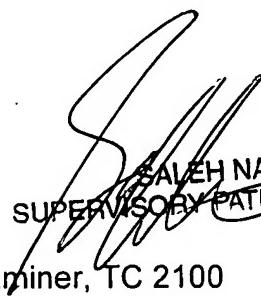
Respectfully submitted,

Shawki Ismail
Patent Examiner

Conferees:

Lynne Browne
Appeal Specialist, TC 2100

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Saleh Najjar
Supervisory Patent Examiner, TC 2100